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1ST DISTRICT, INDIANA

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May 14, 2009

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20460

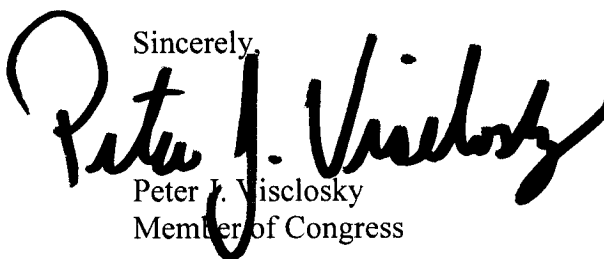
Dear Administrator Jackson:

I write on behalf of Mr. Frank Vukas, a resident of Indiana's First Congressional District.

Mr. Vukas has contacted me to express his concerns regarding the regulation of coal ash. Specifically, Mr. Vukas is concerned that the classifying coal ash as a hazardous waste would have severe impacts on our economy and environment, without improving public health and safety. I would appreciate your addressing his concerns and making his correspondence part of the official comments you receive for the proposed regulation.

Thank you in advance for your serious consideration of this matter. Do not hesitate to let me know if you have any questions or need additional information.

Sincerely,



Peter J. Visclosky
Member of Congress

PJV:sk
Enclosure



May 4, 2009

U.S. Congressman Peter Visclosky
2256 Rayburn
House Office Building
Washington, DC 20515

Dear Congressman Visclosky,

The U.S. Environmental Protection Agency is considering increasing the level of regulation related to coal ash by potentially designating it as a “hazardous waste”. Any “hazardous waste” designation of coal ash would create serious negative impacts for our country.

Coal ash is a byproduct created by the combustion of coal for generation of electricity. Currently about 50% of the electricity generation in the U.S. comes from the combustion of coal. The most recent data available from the American Coal Ash Association (ACAA) indicates that over 130 million tons of coal ash was produced in 2007.

Coal ash does not meet any of the thresholds established by Resource Conservation and Recovery Act to qualify as a hazardous waste. Decades of research and study as well as formal regulatory determinations by the EPA in 1993 and 2000 have concluded that this material is non-hazardous.

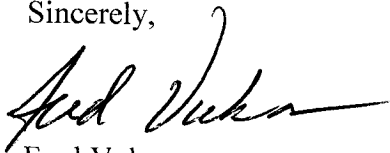
Labeling coal ash as a hazardous waste, even if for the limited purpose of regulating its disposal, would have severe impacts on our economy and environment without providing material improvement in the protection of public health and safety. Major impacts would include the following:

- Recycling or “beneficial use” of coal ash would virtually stop if it was designated “hazardous”. According to 2007 ACAA data, 43% of the 130 million tons of coal ash were recycled and therefore diverted from disposal in landfills or impoundments. This means not only less land filling but less extraction and processing of virgin materials.
- Greenhouse gas emissions would increase as fly ash would not be used to replace Portland cement in concrete mixtures. Recent data shows that up to 15 million tons of CO₂ emissions were avoided in 2007 because of the use of fly ash in lieu of Portland cement in various applications and nearly 120 million tons avoided since 2000.
- Many state regulations prohibit the use of a material designated as hazardous for beneficial use. It is expected that negative public perception of hazardous materials would virtually halt acceptance of products containing coal ash should they be designated as hazardous wastes. Utilities would be required to acquire

significant amounts of property for disposal of coal ash no longer beneficially used. In addition to land acquisition, permitting new sites has proven to be a lengthy and costly process even for non-hazardous solid waste disposal sites, let alone hazardous wastes. The costs for land acquisition and permitting would be passed on to consumers. Our economy cannot sustain such additional burdens in these times of economic turmoil.

Your help is needed in asking EPA not to designate coal ash as a hazardous waste. Coal ash disposal standards can be addressed without unnecessarily stigmatizing this resource with a track record of safe beneficial use as a preferred alternative to disposal. The decades of coal ash contributions to improving both our environment and economy must be allowed to continue.

Sincerely,



Fred Vukas
President
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